

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44055 of 2022

Arising Out of PS. Case No.-361 Year-2021 Thana- KALYANPUR District- Samastipur

Rupesh Kumar Singh Son of Ajeet Kumar Singh Resident of village- Kundal,
P.S- Singhiya, Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
 2. The Director Vigilance Investigation Bureau, Patna 6, Circular Road Bihar
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kaushal Kumar Jha, Advocate
For the Vigilance	:	Mr. Arvind Kumar, Special P.P.
For the State	:	Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-11-2022 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner, learned Special Public Prosecutor for the Vigilance as well as learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 120B of the Indian Penal Code.

Petitioner is said to have obtained his appointment on a forged and fabricated BETET certificate.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that in fact the



petitioner was appointed as Panchayat Shikshak in the year 2012 on the basis of certificate furnished by the competent authority. He further submits that pursuant to the order passed in C.W.J.C. No. 15459 of 2014 the Vigilance has instituted a case against the Neojit Teachers who were appointed in 2006 to 2015. Pursuant to the Vigilance case, the Vigilance has submitted a report stating therein that the petitioner was appointed as a Panchayat Shikshak on the basis of the forged and fabricated document. Learned counsel for the petitioner submits that the petitioner has submitted all the documents which was furnished by the Bihar School Examination Board and other competent authority and after lodging the F.I.R. the petitioner was terminated from service.

Learned Special Public Prosecutor for the Vigilance as well as learned APP for the State on the other hand have vehemently opposed the prayer for bail of the petitioner and submit that the petitioner has obtained the job on the basis of the forged and fabricated certificate and hence he is not entitled to grant the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each



with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kalyanpur P.S. Case No. 361 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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